

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE P. JAMES,	:	
Plaintiff	:	
	:	CIVIL ACTION NO. 1:01-CV-1015
v.	:	
	:	(Judge Kane)
YORK COUNTY POLICE	:	
DEPARTMENT, JAMES H. MORGAN,	:	
RICHARD PEDDICORD, RAYMOND	:	
E. CRAUL, GENE FELLS, DET.	:	
KESSLER, CO. BAYLARK, RANDY	:	
SNIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI,	:	
Defendants	:	

ORDER

Before the Court is Plaintiff's appeal of the Magistrate's order granting Defendants' motion to depose Plaintiff and denying Plaintiff's motion for a protective order. (Doc. No. 157). Plaintiff has submitted a brief in support of his appeal, titled a motion for review of the Magistrate Order. (Doc. No. 158). Plaintiff objects to the portion of Magistrate Judge Mannion's May 4, 2004 Order which grants Defendants' leave to depose Plaintiff and denies his motion for a protective order pending the resolution of his motion for appointment of counsel. Plaintiff claims that it was an abuse of discretion for the Magistrate Court to rule on Defendants' motion to depose Plaintiff before this Court had considered Plaintiff's appeal of the Magistrate's Order denying Plaintiff counsel.

A Magistrate Judge's order may only be reconsidered if it is shown that the Magistrate's order is "clearly erroneous or contrary to law." 28 U.S.C. 636(b)(1)(A); Fed. R. Civ. P. 72(a). In this case, it is clear that Defendants have a right to depose Plaintiff. The Magistrate's Order allowing them to do

so is not clearly erroneous. Furthermore, the Court has denied Plaintiff's appeal regarding appointment of counsel (Doc. No. 159) and therefore any arguments pertaining to that issue are moot. Accordingly, **IT IS ORDERED THAT** Plaintiff's appeal and motion for review of the Magistrate's Order (Doc. Nos. 157 and 158) are **DENIED**.

S/ Yvette Kane
Yvette Kane
United States District Judge

Date: May 27, 2004